

**CLIFTON BUDD & DeMARIA, LLP**

A NEW YORK LIMITED LIABILITY PARTNERSHIP • LAW OFFICES

420 Lexington Avenue, New York, New York 10170-0089  
tel 212.687.7410 fax 212.687.3285 www.cbdl.com

November 2, 2007

Honorable Alvin K. Hellerstein  
United States District court  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1050  
New York, New York 10007

111 Washington Avenue  
Suite 600  
Albany, NY 12210  
tel 518.452.0500  
fax 518.689.4854

300 Broadacres Drive  
Bloomfield, NJ 07003  
tel 973.338.1039  
fax 973.893.0499

Re: *Benitez v. Lemle & Wolff, Inc.*,  
Docket No. 07-CV-2929-9(AKH)

Dear Judge Hellerstein:

As you are aware, this firm and Howard I. Rothschild represent the Defendants in the above-referenced matter. The parties have discussed settlement and believe that they are close to reaching an agreement in this matter, but need some assistance. The parties also believe that the Court could facilitate this process. Accordingly, the parties request a settlement conference with the Court. All of the attorneys and the respective principals are available on the following dates and times: November 9, after 1:30 P.M., November 13, after 1:30 P.M., November 14 in the morning, any time on November 19 and November 20 after 1:30 P.M. Please advise if the Court is available on any of those dates and times. If the Court is unavailable, then the parties respectfully request that your honor refer this request to a Magistrate Judge.

Thank you for your attention to this matter.

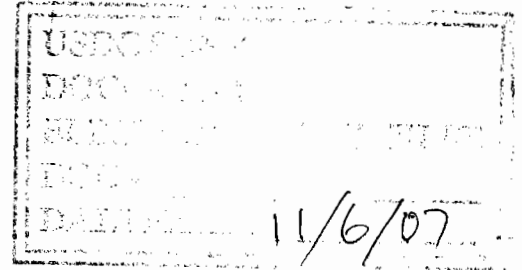
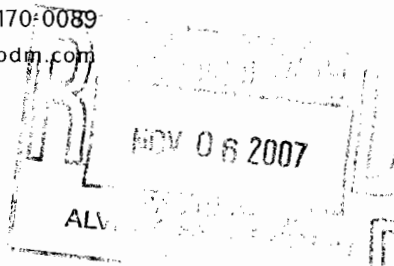
Respectfully submitted,



Daniel C. Moreland

cc: Howard I. Rothschild, Esq. (via facsimile)  
Hollis V. Pfitsch, Esq. (via facsimile)

G.DCM.Letters.11.07.dm.01,Hellerstein



*Respectfully referred  
for settlement discussion to  
James C. Francis.  
11-6-07  
Adrian Y. Kline*